

FILED

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

OCT 16 2007

NEBRASKA DEPARTMENT
OF INSURANCE

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

MARILYN L. ROBINSON,

RESPONDENT.

)
) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, RECOMMENDED ORDER
) AND ORDER

) CAUSE NO. A-1745
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This matter came on for hearing on the 11th day of October, 2007, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Joel F. Green. Marilyn L. Robinson (Respondent) was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, testimony was adduced and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a licensed insurance producer whose registered address with the Department of Insurance was 3058 South 60th Street #51, Omaha, NE 68106-4340. Respondent's license expired on August 31, 2007. However, the subject-matter of this action arose prior to the expiration of the license. (E1).
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. Respondent received notice of this hearing. (E2).

4. Respondent violated Neb. Rev. Stat. §§ 44-1525(11), 44-4059(1)(b), 44-4059(1)(d),

44-4059(1)(g), 44-4059(1)(h) based upon the following facts:

- a. On or about May 14, 2007, Bruce Ramge, Chief of Market Regulation, received a letter from Ann L. Eichelberger, Director of Field Compliance for Monumental Life Insurance Company, indicating that Respondent had left her employment with Monumental on January 5, 2007 with a deficiency of \$998.06 which represented premium payments collected by Respondent but not remitted to the company. (E3).
- b. Pursuant to the aforementioned letter, on or about May 16, 2007, Barbara L. Ems, Insurance Investigator for the Department of Insurance, testified that she sent a letter to Respondent requesting information regarding allegations of producer misconduct provided to the Department by Monumental Life Insurance Company on May 10, 2007. The aforementioned letter specifically stated, "Nebraska Revised Statute 44-1525(11) requires response within fifteen working days. Your cooperation is appreciated." Respondent failed to reply to Ms. Ems' inquiry within fifteen working days, and to date has not provided a response. (E6).
- c. On or around June 11, 2007, Jane Francis, Administrator of the Consumer Affairs Division for the Department of Insurance, sent a second letter via certified mail to Respondent, attaching a copy of the aforementioned May 16, 2007 letter, noting Respondent's failure to respond to said letter(s), requesting an immediate response to all outstanding inquiries, and stating the Respondent's "[f]ailure to respond to this Department within fifteen working days will be a violation of the Unfair Insurance Trade Practices Act, Nebraska Revised Statute 44-1525(11), and could result in action by our Legal Division." On or around June 28, 2007, the United States Postal Service returned the Department's June 11, 2007 letter as "unclaimed" and "unable to forward." Respondent failed to respond with fifteen working days, and to date has not provided a response. (E6).
- d. Between the time period of December 8, 2006 and December 22, 2006, Respondent, in the course of her appointment as a licensed insurance producer with Monumental Life Insurance Company, collected funds totaling one thousand two hundred eighty dollars and seventy-one cents (\$1,280.71). These funds represent a specified amount of premium payments collected from Monumental Life Insurance Company ("Monumental Life") policyholders by the Respondent during the aforementioned time frame. (E5).

- e. On or about December 28, 2006, Respondent remitted, to Monumental Life Insurance Company, funds for those premium payments collected from Monumental Life policyholders referenced above in the amount of two hundred eight-two dollars and sixty-three cents (\$282.63). By collecting \$1,280.71 in premiums from Monumental Life policyholders, indicating said premiums as received and to be credited to the policyholders' policies, and intentionally failing to remit nine hundred ninety-eight dollars and six cents (\$998.06) of policyholder premium payments to Monumental Life, Respondent misappropriated money received in the course of doing insurance business thereby acting in an untrustworthy and fraudulent manner. (E5).

CONCLUSIONS OF LAW

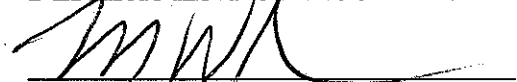
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001 et seq.
2. The Department has personal jurisdiction over Respondent.
3. Respondent violated Neb. Rev. Stat. §§44-1525(11), 44-4059(1)(b), 44-4059(1)(d), 44-4059(1)(g), 44-4059(1)(h).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Insurance Producer License be revoked. The Nebraska Department of Insurance will continue to retain jurisdiction over this matter until Respondent has complied with all provisions of this order.

Dated this 16th day of October, 2007.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



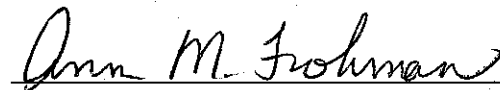
Martin W. Swanson, #20795
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska, Department of Insurance vs. Marilyn L. Robinson, Cause No. A-1745.

Dated this 16th day of October, 2007.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Ann M. Frohman
Acting Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 3058 South 60th Street, #51, Omaha, Nebraska 68106-4340, by certified mail, return receipt requested, on this 16th day of October, 2007.

